

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

CHARLES M. DUNCAN and
HATTIE B. DUNCAN,

Plaintiffs,

v.

No. 15-1238

JACKSON ENERGY AUTHORITY,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

On September 23, 2016, Plaintiffs, Charles and Hattie Duncan, *pro se* litigants, initiated suit against Jackson Energy Authority ("JEA"), alleging that "they were placed under duress by . . . threats of shut-off and suffered undue mental stress and mental anguish," which caused loss of consortium. (Docket Entry ("D.E.") 1.) Administrative Order 2013-05, effective April 29, 2013, provides that

all pending and future cases filed by *pro se* non-prisoner plaintiffs are hereby referred to the assigned magistrate judge for management of pretrial matters. . . . [T]he assigned Magistrate Judges shall manage these cases for all pretrial matters within the Magistrate Judges' jurisdiction for determination pursuant to 28 U.S.C. § 636(b)(1)(A) and all other pretrial matters for proposed findings and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B).

Accordingly, the case was referred to United States Magistrate Judge Edward Bryant for management and for all pretrial matters for determination and/or report and recommendation as appropriate. (*See* ECF Entry, Sept. 23, 2015.)

On June 28, 2016, Judge Bryant issued his report, recommending dismissal of the case. (D.E. 6 at 9.) Applying the appropriate standard for diversity jurisdiction, he found that this

Court lacks subject matter jurisdiction under 28 U.S.C. § 1332(a)(1) because all of the parties are from Tennessee, and diversity jurisdiction has not been established. (*Id.* at 8.) He further concluded that “Plaintiffs’ claims against Defendant . . . appear to be ‘clearly baseless,’” and the case should be dismissed pursuant to Rule 12(b)(6) for failure to state a claim on which relief may be granted and as frivolous, pursuant to 28 U.S.C. § 1915(e)(2)(B)(1). (*Id.* at 9.) According to the Court’s docket, no objections to the Magistrate Judge’s report and recommendation have been filed pursuant to 28 U.S.C. § 636(b)(1)(C), and the time for filing objections has lapsed. *See* Fed. R. Civ. P. 72(a).

After a review of the Magistrate Judge’s Report and Recommendation, the Court ADOPTS Judge Bryant’s finding and recommendations, and the case is hereby DISMISSED.

IT IS SO ORDERED this 29th day of July 2016.

s/ J. DANIEL BREEN
CHIEF UNITED STATES DISTRICT JUDGE